IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF NOVEMBER

TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.20476 of 2004

Between:

Smt.Anees Fatima Sajidah,

W/o K.M.Quraishi, aged about 54 years,

Head Clerk, Family Court (Under suspension),

R/o H.No.16-9-914, Old Malakpet,
Hyderabad.

..... PETITIONER

AND

1 The Hon'ble Chief Judge,

City Civil Courts, Hyderabad.
2 The Administrative Officer,

O/o The Chief Judge, City Civil Courts,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly in the nature of writ of mandamus, declaring the action of the respondents in suspension order No.CCC.HYD/AW/2003/3040 dt.28-04-2003, and the Charge Sheet order No.CCC.HYD/AW/ED/64/9162/2003, dated
11-12-2003 as illegal, arbitrary and bad and consequently to direct the respondents to reinstate the petitioner with all consequential benefits.

Counsel for the Petitioner : Sri R.YOGENDER SINGH

Counsel for the Respondents : Sri C.V.NAGARJUNA REDDY

The Court made the following :

ORDER: (Per Hon’ble the Chief Justice)

Grievance of the petitioner, who was working as Head Clerk in the Family Court, Hyderabad, is that she is being proceeded against departmentally on the charges, which are similar to the one being faced by her in Crime No.9/ACB-CR/2003 under Section 7 of Prevention of Corruption Act, therefore departmental proceedings have to be stayed and further subsistence allowance has not been enhanced.

As regards first grievance, petitioner has to approach the Enquiry Officer before whom departmental proceedings are pending. Only on such prayer being made before the Enquiry Officer, he has to apply his mind as to whether on the parameters laid down by the Supreme Court, departmental proceedings pending criminal proceedings deserve to be stayed or not.

As regards second grievance, we find that representation is stated to have been made. Therefore, we dispose of the writ petition with direction to the respondents to consider the representation and pass appropriate orders thereupon in accordance with law within a period of four weeks and to convey the same to the petitioner.

Writ petition is accordingly disposed of.

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DEVINDER GUPTA, C.J.

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C.V.RAMULU, J

10-11-2004

bsc

To

1 The Hon'ble Chief Judge,

City Civil Courts, Hyderabad.

2 The Administrative Officer,

O/o The Chief Judge, City Civil Courts,

Hyderabad.

3. 2 C.D. copies

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